

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Innovation in the Broadcast Television Bands:)	
Allocations, Channel Sharing and)	ET Docket No. 10-235
Improvements to VHF)	

To: The Commission (electronically filed)

COMMENTS OF WATCHTV, INC.

1. WatchTV, Inc. (“WatchTV”) hereby comments in response to the Commission’s *Notice of Proposed Rulemaking* in this proceeding, FCC 10-196, released November 30, 2010.

2. WatchTV is the licensee of 20 Class A, Low Power Television (“LPTV”), and digital companion LPTV stations in the states of Oregon and Washington. WatchTV’s President is also the President of SpectrumEvolution.org, which is striving to develop new technologies to improve the technical art of television broadcasting and to allow television stations, including LPTV stations, to use their digital signals to provide combined broadcast and broadband services, furthering the deployment goals of the National Broadband Plan without sacrificing or reducing the societal benefits that come from the exchange of ideas and commerce that broadcasting has given this nation for nearly a century.

3. The concept of giving wireless services access to TV broadcast spectrum makes good sense in terms of the goal of speeding deployment of wireless broadband, but that step must be taken in the context of a free marketplace, where broadcasters may participate as freely as anyone else in providing wireless broadband services. Such participation includes broadcasters providing broadband services themselves, partnering with other broadband providers, and even selling their spectrum to wireless service providers. Freedom and flexibility have historically provided the best economic results in our free economy.

4. The Commission seems, however, to be approaching the spectrum allocation issue in terms of removing broadcasting and turning the spectrum over to wireless companies, thus limiting entrepreneurial options. It is contrary to the free enterprise system on which the United States economy is built for the government to pick and choose players in that manner. If the Commission's objective is to put spectrum to its highest and best use, then it must unleash all market players, and let public demand decide which services will be provided in what quantity and at what time. The public knows what is best for itself. Unleashed entrepreneurs will respond in the most competitive and efficient manner, but only if all are allowed to play in the arena.¹

5. It is also important to note that the wide distribution of LPTV operators throughout the country, along with the diversity of local ownership prevalent in that industry, are likely to ensure early deployment of wireless broadband in rural areas if those broadcasters are permitted to participate. In contrast, if TV spectrum is taken away and sold to major nationwide wireless carriers, history shows that they surely will build in urban markets first and will take many years, if not decades, to reach less lucrative rural areas, where they lack local broadcasters' community roots and motivation to provide "home town" services.

6. If the Commission cannot see its way to allowing the spectrum marketplace to function with true freedom, then it must allow all broadcasters, including LPTV operators, to participate in any incentive auction. To simply confiscate the investments of LPTV operators,

¹ Recent Media Bureau webinars for broadcasters have indicated that rapid and widespread broadband deployment is not the only Commission goal and that revenues for the U.S. Treasury are deemed highly important. Broadcasters already compelled by law to contribute 5% of their gross revenues from non-broadcast digital services to the Treasury, thus offering the public a perpetual annuity rather than a one-time windfall from auction revenue that will forever be gone, and useless to our children, once received and spent. However, to the extent that dollars are the goal, it is a simple matter to revise laws and regulations to achieve greater receipts from broadcasters. But financial goals are certainly not a reason to exclude broadcasters from providing broadband services.

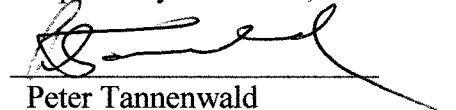
many of whom have put their life's savings into their stations, is disrespectful of American entrepreneurship, a slap in the faces of small business operators who are the nation's most prolific job creators, and a devastating loss that should frighten all capitalists in the United States; for if the government can confiscate once, what is to stop it from doing the same thing again in the future? To say that LPTV stations are not entitled to recoup the value of their investments because they are "secondary" is to say that the rights of entrepreneurs depend on with what label the government tags them. That is a truly frightening prospect.

7. In summary, WatchTV urges the Commission to create a truly unleashed and open spectrum marketplace for broadcasters, not a market framework designed by government officials. The result will be more broadband, deployed more quickly in rural areas, with lower prices for the public. But if the Commission cannot see its way to doing that, then if LPTV operators are to be put out of business, they must be permitted to participate with Class A and full power stations in fair and just compensation arrangements.

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